

TITLE 16. CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Department of Consumer Affairs
2420 Del Paso Road, Sequoia Room
Sacramento, California 95834
Monday, July 8, 2019
2:00 p.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office on Monday, July 8, 2019 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 5526 and 5550 of the Business and Professions Code (BPC), and to implement, interpret or make specific Section 5550 of said Code, the Board is considering changes to sections 124 and 124.5 of Article 3 of Division 2 of Title 16 of the California Code of Regulations (CCR) as follows:

Informative Digest:

Amend Title 16 CCR Sections 124 – California Supplemental Examination and 124.5 – Review of California Supplemental Examination

BPC section 5526 requires the Board to adopt rules and regulations governing the examination of applicants for licenses to practice architecture in this state. BPC section 5550 provides that subject to the rules and regulations governing examinations, which are established by the Board, any person who meets the required qualifications for licensure is entitled to an examination for a license to practice architecture. 16 CCR section 116 sets forth the eligibility requirements for examinations, the national Architect Registration Exam (ARE) and the California Supplemental Examination (CSE). 16 CCR section 124 sets forth the procedures for taking the CSE, and 16 CCR section 124.5 sets forth the procedures for a candidate to request Board review of a failed CSE.

At its June 15, 2017 meeting, the Board directed staff to collaborate with the Department of Consumer Affairs' Office of Professional Examination Services (OPES)

and research the feasibility of reducing the CSE retake waiting period, which is currently specified in 16 CCR section 124 at 180 days. OPES determined the waiting period could be reduced to 90 days without compromising examination integrity; this proposal would enact this reduced waiting period.

Board staff noticed “California Supplemental Examination” was spelled out completely each time it was referenced in section 124. This proposal would simplify the regulation by making technical corrections to change “California Supplemental Examination” to “CSE” for each subsequent use after the first.

16 CCR section 124, subsections (e) and (f), specify that candidates who are found to be deficient in an area of the CSE or received credit for individual sections of the CSE must retake the entire examination. These subsections became effective in 1991 and are outdated. The CSE is treated as a complete examination, not one that can be broken down to areas or sections for retest purposes. Accordingly, this proposal would repeal subsections (e) and (f) to remove the outdated language and simplify the regulation. The proposal would then insert into subsections (d) the requirement to retake the CSE in its entirety that is otherwise being deleted with the outdated subsections.

16 CCR sections 124, subsection (d), and 124.5 currently state “he or she” when referring to candidates. SB 179 (Atkins, Chapter 853, Statutes of 2017) recognized nonbinary gender preferences of California residents and, among other things, authorized the change of a person’s gender on a birth certificate to be female, male, or nonbinary. That bill supports the conversion of the “he or she” pronouns to instead refer to “they.” In accordance with SB 179, this rulemaking would update sections 124 and 124.5 and change references to pronouns from “he or she” to “they.”

16 CCR 124.5, subsection (b), allows candidates to request a review within 30 days from the date on which they are mailed CSE results. However, the Board instead provides results at the conclusion of an examination rather than waiting to mail the candidate’s results. Therefore, subsection (b) must be updated to reflect current practice and grant candidates 30 days from the date of being provided their results to file a request for review. Additionally, the guidelines by which a candidate can request a CSE review are being clarified to clearly identify the information required to be submitted with the review request.

Policy Statement Overview/Anticipated Benefits of Proposal

This proposal will reduce the waiting period between CSE retakes, allowing candidates to retest more frequently, potentially decreasing their time to become licensed. Additionally, obsolete language is being repealed, and the language is being simplified and clarified to reduce candidate confusion regarding the release of CSE results and when candidates may request a review of their examination. this regulatory proposal will potentially decrease the time to become licensed, allowing additional professionals to lawfully practice, which will benefit the health, safety and welfare of California residents.

Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has

conducted a search of similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

Fiscal Impact Estimates

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: As a result of the reduction in the CSE retake period, the Board will modify its tracking system to retain examination scores and transmit candidate records to the test vendor. There is also the potential for a temporary increase in the number of CSE applications submitted to the Board due to the wait time reduction. With an estimated 10 percent increase of candidates retaking the CSE, the Board anticipates an increase of \$2,780 in applicable fees annually. The board has determined that the tracking system changes and the potential increase in applications would be minor and absorbable as the Board performs these functions each time the CSE is taken.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:

The proposed regulation affects only architect examination candidates, not architectural or examination businesses. Accordingly, the Board has not prepared a study or other relevant data upon which to rely in making a determination as to whether changing examination procedures and review of failed examinations has a detrimental effect on businesses.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

Effect on Small Business

The Board has determined that the proposed regulations would not affect small businesses as it only affects architect examination applicants.

Result of Economic Impact Assessment/Analysis:

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Board has determined that this regulatory proposal will potentially decrease the time to become licensed, allowing additional professionals to lawfully practice, which will benefit the health, safety and welfare of California residents. The regulatory proposal does not affect worker safety or the state's environment.

Consideration of Alternatives

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

Initial Statement of Reasons and Information

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

Text of Proposal

Copies of the exact language of the proposed regulations, the initial statement of reasons, and all of the information upon which the proposal is based may be obtained at the hearing or prior to the hearing upon request from the California Architects Board at 2420 Del Paso Road, Suite 105, Sacramento, California 95834 or by telephoning the Contact Person listed below.

Availability and Location of the Final Statement of Reasons and Rulemaking File

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Contact Person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below (or by accessing the website listed below).

Contact Person

Inquiries or comments concerning the proposed rulemaking action may be addressed

to:

Name: Timothy Rodda
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: (916) 575-7217
Fax No. (916) 575-7283
E-Mail Address: timothy.rodde@dca.ca.gov

The backup contact person is:

Name: Marccus Reinhardt
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: (916) 575-7212
Fax No. (916) 575-7283
E-Mail Address: marccus.reinhardt@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.cab.ca.gov.